

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
October 18, 2005 (2:00 p.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Wyatt Walton, Board member, presided. No other Board members were present.

Joseph Haughwout appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case  
Lic = Licensing Application  
RF = Recovery Fund Claim  
Trades = Tradesmen Application

C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney


Participants

- |  |  |
|--|--|
| 1. Bockman Development & Construction<br>File Number 2005-03605 (Disc) | Edward Bockman – R   |
| 2. Bockman Development & Construction<br>File Number 2005-03829 (Disc) | Edward Bockman – R   |
| 3. Bockman Development & Construction<br>File Number 2005-02880 (Disc) | Edward Bockman – R<br>Marie Jackson – C<br>William Jackson – W |
| 4. Bockman Development & Construction<br>File Number 2005-02093 (Disc) | Edward Bockman – R   |
| 5. Bockman Development & Construction<br>File Number 2005-02801 (Disc) | Edward Bockman – R<br>Peter Suskind – C<br>(by telephone)      |

The meeting adjourned at 4:30 p.m.

BOARD FOR CONTRACTORS

  
\_\_\_\_\_  
Mark D. Kinser, Chairman

  
\_\_\_\_\_  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Bockman Development & Construction

File Number: 2005-03605  
License Number: 2705025988

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On July 22, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Bockman Development & Construction ("Bockman") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On August 26, 2005, Bockman requested a continuance of the Informal Fact-Finding Conference ("IFF"), which was granted. On August 26, 2005, a letter rescheduling the IFF was mailed, via certified mail, to Bockman to the address of record. The certified mail was signed for and received.

On October 18, 2005, an IFF was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Edward Bockman ("E. Bockman"), on behalf of Bockman, Respondent; Joseph Haughwout, Staff Member; and Wyatt Walton, Presiding Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

In October 1994, Bockman obtained its Class A contractor's license as a corporation. Edward Bockman ("E. Bockman") is the Designated Employee, Qualified Individual, and Responsible Management for the licensee.

In March 2004, Washington Deck Works, Inc. ("Washington") contracted with Sandeep Bagga ("Bagga") to construct a deck, fence, and patio at the subject property. According to the record, E. Bockman signed for the contract with Bagga on behalf of Washington. In May 2004, Bockman obtained the building permit for the work to be performed. In May 2005, E. Bockman acknowledged to the Board's agent in an interview that he was performing work on the Bagga project.

Count 1: Board Regulation (Effective January 1, 2003)

According to the records of the State Corporation Commission, Washington became incorporated in Virginia in March 1997. E. Bockman is President of both Bockman and Washington, and both corporations have the same principal address of 43072 Zander Terrace, Ashburn, Virginia 20147. However, Washington is not licensed by the Board.

During the IFF, E. Bockman stated he incorporated in 1995 as Washington Deck Works Inc. E. Bockman further stated that he did not become aware that there was a problem with the license until 2004. Subsequently, E. Bockman contacted an attorney and decided to list Washington Deck Works Inc. as a tradename of Bockman Development & Construction.

Based on the record and testimony provided at the IFF, Bockman assisted an unlicensed firm to violate §54.1-1103 of the Code of Virginia, which provides: "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter." According to E. Bockman, he was confused as to the State Corporation Commission requirements and the Board's requirements. As a result, contracts were entered into under one name but the license was held under another name.

Bockman's actions are a violation of Board Regulation 18 VAC 50-22-260.B.18. Therefore, I recommend a monetary penalty of \$500.00 and remedial education be imposed.

The Board's contracting license class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of the order.

Count 2: Board Regulation (Effective January 1, 2003)

Bockman began work at the subject property in July 2004. In September 2004, Bagga sent E. Bockman a letter, requesting the work be completed as soon as a possible, preferably in September or October. Bockman last performed work at the subject property on February 9, 2005, and as of April 15, 2005, the deck was incomplete. During the IFF, E. Bockman admitted that he did not complete the deck because he ran into scheduling problems with many of his other jobs due to his overbooking. Bockman's abandonment is a violation of Board Regulation 18 VAC 50-22-260.B.14.

E. Bockman admitted his failure to complete the work; however, he did express his regret for his inability to get work done. It is my opinion, based on his demeanor, that E. Bockman is credible and sincere in his statements. Bockman's violation of the Board's regulation in this matter is serious. Even though this project was relatively small in terms

of its scope and cost, E. Bockman needs to learn that it is unreasonable to expect his customers to wait several months, and up to years, for him to complete work as it creates a considerable disruption and inconvenience to his customers. While E. Bockman has demonstrated that his ability to schedule and complete work leaves much to be desired, I do not believe him to be a dishonest person. Because of this, I believe the Board should not revoke Bockman's license. However, due to the seriousness of this offense, Bockman must pay the appropriate consequence. Therefore, I recommend a monetary penalty of \$2,000.00 and license suspension for a period of six (6) months be imposed.

By: \_\_\_\_\_  
Wyatt Walton  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

#### **MONETARY PENALTY TERMS**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: June 13, 2005 (revised July 18, 2005)

FILE NUMBER: 20050-03605  
RESPONDENT: Bockman Development & Construction  
LICENSE NUMBER: 2705025988  
EXPIRATION: October 31, 2006

SUBMITTED BY: Sherell Queen  
APPROVED BY: Linda J. Boswell

COMMENTS:

Issues regarding failure to report a name change were not addressed because the regulant is separate business entity from Washington Deck Works Inc. Issues regarding contract provisions were not addressed because contract was not between complainant and regulant.

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Bockman Development & Construction ("Bockman") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705025988).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On March 4, 2005, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Dr. Sandeep Bagga ("Bagga") regarding Ed Bockman and Washington Deck Works. (Exh. C-1)

On March 14, 2004, Washington Deck Works, Inc. ("Washington") entered into a written contract, in the amount of \$24,000.00, with Bagga to build a deck, fence, and patio at 20543 Meadow Island Place, Potomac Falls, Virginia 20165. The contract was signed by Edward W. Bockman on behalf of Washington. (Exh. C-2)

On March 14, 2004, Bagga paid Washington \$6,000.00 by check. (Exh. C-3)

On May 19, 2004, Bockman obtained building permit B40114270100 for the work to be performed at the subject property. (Exh. W-1)

On July 13, 2004, Bagga paid Washington \$6,000.00 by check. (Exh. C-3)

On May 16, 2005, Bockman acknowledged performing work on the Bagga project. (Exh. I-3)

On October 18, 1994, Bockman was issued Class A contractor's license number 2705025988 as a corporation. Edward W. Bockman, individual tracking number 2706066100, is the Designated Employee, Qualified Individual, and Responsible Management for license number 2705025988. (Exh. I-1)

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1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.

FACTS:

Section 54.1-1103 of the Code of Virginia states, "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter."

On March 12, 1997, Washington became incorporated in Virginia. (Exh. I-5) However, Washington is not a licensed contractor in Virginia. (Exh. I-6)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).

FACTS:

On July 13, 2004, Bockman commenced work. (Exh. C-1)

On September 14, 2004, Bagga sent Ed Bockman of Washington a letter requesting completion of the work as soon as possible preferably in September/October. (Exh. C-1)

As of April 15, 2005, the deck was incomplete. (Exh. W-1)

On May 16, 2005, Bockman stated he got behind on his jobs due to overbooking. (Exh. I-3)

The last day Bockman performed work at the subject property was February 9, 2005. (Exh. C-1)



**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Bockman Development & Construction

File Number: 2005-03829  
License Number: 2705025988

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On July 22, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Bockman Development & Construction ("Bockman") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On August 26, 2005, Bockman requested a continuance of the Informal Fact-Finding Conference ("IFF"), which was granted. On August 26, 2005, a letter rescheduling the IFF was mailed, via certified mail, to Bockman to the address of record. The certified mail was signed for and received.

On October 18, 2005, an IFF was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Edward Bockman ("E. Bockman"), on behalf of Bockman, Respondent; Joseph Haughwout, Staff Member; and Wyatt Walton, Presiding Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

In October 1994, Bockman obtained its Class A contractor's license as a corporation. Edward Bockman ("E. Bockman") is the Designated Employee, Qualified Individual, and Responsible Management for the licensee.

In March 2004, Washington Deck Works, Inc. ("Washington") contracted with Ryan Sack ("Sack") to construct a deck and porch at the subject property. According to the record, E. Bockman signed for the contract with Sack on behalf of Washington. In May 2005, E. Bockman acknowledged to the Board's agent in an interview that he was performing work on the Sack project.

Count 1: Board Regulation (Effective January 1, 2003)

According to the records of the State Corporation Commission, Washington became incorporated in Virginia in March 1997. E. Bockman is President of both Bockman and Washington, and both corporations have the same principal address of 43072 Zander Terrace, Ashburn, Virginia 20147. However, Washington is not licensed by the Board.

During the IFF, E. Bockman stated he incorporated in 1995 as Washington Deck Works Inc. E. Bockman further stated that he did not become aware that there was a problem with the license until 2004. Subsequently, E. Bockman contacted an attorney and decided to list Washington Deck Works Inc. as a tradename of Bockman Development & Construction.

Based on the record and testimony provided at the IFF, Bockman assisted an unlicensed firm to violate §54.1-1103 of the Code of Virginia, which provides: "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter." According to E. Bockman, he was confused as to the State Corporation Commission requirements and the Board's requirements. As a result, contracts were entered into under one name but the license was held under another name.

Bockman's actions are a violation of Board Regulation 18 VAC 50-22-260.B.18. Therefore, I recommend a monetary penalty of \$500.00 and remedial education be imposed.

The Board's contracting license class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of the order.

Count 2: Board Regulation (Effective January 1, 2003)

Bockman last performed work at the subject property in December 2004, and as of March 21, 2005, had failed to complete the deck. In May 2005, E. Bockman told the Board's agent in an interview that he got behind on his jobs due to overbooking.

During the IFF, E. Bockman admitted he took too long to finish the deck and that Sack decided to hire someone else to complete the deck. Bockman's abandonment is a violation of Board Regulation 18 VAC 50-22-260.B.14.

E. Bockman admitted his failure to complete the work; however, he did express his regret for his inability to get work done. It is my opinion, based on his demeanor, that E. Bockman is credible and sincere in his statements. Bockman's violation of the Board's regulation in this matter is serious. Even though this project was relatively small in terms of its scope and cost, E. Bockman needs to learn that it is unreasonable to expect his

customers to wait several months, and up to years, for him to complete work as it creates a considerable disruption and inconvenience to his customers. While E. Bockman has demonstrated that his ability to schedule and complete work leaves much to be desired, I do not believe him to be a dishonest person. Because of this, I believe the Board should not revoke Bockman's license. However, due to the seriousness of this offense, Bockman must pay the appropriate consequence. Therefore, I recommend a monetary penalty of \$2,000.00 and license suspension for a period of six (6) months be imposed.

By: \_\_\_\_\_  
Wyatt Walton  
Presiding Board Member  
  
Board for Contractors

Date: \_\_\_\_\_

#### **MONETARY PENALTY TERMS**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: June 16, 2005 (revised July 18, 2005)

FILE NUMBER: 2005-03829  
RESPONDENT: Bockman Development & Construction  
LICENSE NUMBER: 2705025988  
EXPIRATION: October 31, 2006

SUBMITTED BY: Sherell Queen  
APPROVED BY: Linda J. Boswell

COMMENTS:

Issues regarding failure to report a name change were not addressed because the regulant is separate business entity from Washington Deck Works Inc. Issues regarding contract provisions were not addressed because contract was not between complainant and regulant.

\*\*\*\*\*

Bockman Development & Construction ("Bockman") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705025988).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On March 21, 2005, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Ryan Sack ("Sack") regarding Washington Deck Works Inc. (Exh. C-1)

On March 16, 2004, Washington Deck Works, Inc. ("Washington") entered into a written contract, in the amount of \$38,000.00, with Sack to build a deck and porch at 19243 Chartier Drive, Leesburg, Virginia 20176. The contract was signed by Edward W. Bockman on behalf of Washington. (Exh. C-2)

On May 16, 2005, Bockman acknowledged performing work on the Sack project. (Exh. I-3)

On October 18, 1994, Bockman was issued Class A contractor's license number 2705025988 as a corporation. Edward W. Bockman, individual tracking number 2706066100, is the Designated Employee, Qualified Individual, and Responsible Management for license number 2705025988. (Exh. I-1)

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1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.

FACTS:

Section 54.1-1103 of the Code of Virginia states, "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter."

On March 12, 1997, Washington became incorporated in Virginia. (Exh. I-5) However, Washington is not a licensed contractor in Virginia. (Exh. I-6)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).

FACTS:

As of March 21, 2005, the deck was incomplete. (Exh. C-1)

On May 16, 2005, Bockman stated he got behind on his jobs due to overbooking. (Exh. I-3)

The last time Bockman performed work at the subject property was December 2004.  
(Exh. C-1)

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Bockman Development & Construction

File Number: 2005-02880  
License Number: 2705025988

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On July 22, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Bockman Development & Construction ("Bockman") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On August 26, 2005, Bockman requested a continuance of the Informal Fact-Finding Conference ("IFF"), which was granted. On August 26, 2005, a letter rescheduling the IFF was mailed, via certified mail, to Bockman to the address of record. The certified mail was signed for and received.

On October 18, 2005, an IFF was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Edward Bockman ("E. Bockman"), on behalf of Bockman, Respondent; Marie Jackson ("Jackson"), Complainant; William Jackson, Witness; Joseph Haughwout, Staff Member; and Wyatt Walton, Presiding Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

In October 1994, Bockman obtained its Class A contractor's license as a corporation. Edward Bockman ("E. Bockman") is the Designated Employee, Qualified Individual, and Responsible Management for the licensee.

In January 2003, Washington Deck Works, Inc. ("Washington") contracted with Marie Jackson ("Jackson") to construct a deck at the subject property. According to the record, E. Bockman signed for the contract with Jackson on behalf of Washington. In June 2003, Bockman obtained the building permit for the work to be performed. In May

2005, E. Bockman acknowledged to the Board's agent in an interview that he was performing work on the Jackson project.

Count 1: Board Regulation (Effective January 1, 2003)

According to the records of the State Corporation Commission, Washington became incorporated in Virginia in March 1997. E. Bockman is President of both Bockman and Washington, and both corporations have the same principal address of 43072 Zander Terrace, Ashburn, Virginia 20147. However, Washington is not licensed by the Board.

During the IFF, E. Bockman stated he incorporated in 1995 as Washington Deck Works Inc. E. Bockman further stated that he did not become aware that there was a problem with the license until 2004. Subsequently, E. Bockman contacted an attorney and decided to list Washington Deck Works Inc. as a tradename of Bockman Development & Construction.

Based on the record and testimony provided at the IFF, Bockman assisted an unlicensed firm to violate §54.1-1103 of the Code of Virginia, which provides: "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter." According to E. Bockman, he was confused as to the State Corporation Commission requirements and the Board's requirements. As a result, contracts were entered into under one name but the license was held under another name.

Bockman's actions are a violation of Board Regulation 18 VAC 50-22-260.B.18. Therefore, I recommend a monetary penalty of \$500.00 and remedial education be imposed.

The Board's contracting license class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of the order.

Count 2: Board Regulation (Effective January 1, 2003)

Bockman began work at the subject property in September 2003. In a letter dated December 15, 2003, E. Bockman agreed that the deck would be completed on or before January 31, 2004. Bockman last performed work at the subject property in April 2004. In September 2004, Jackson terminated the contract due to unjustified cessation of work for a period of thirty (30) or more days.

During the IFF, E. Bockman admitted he took too long for this project because he was behind schedule. E. Bockman maintains that even though he was having scheduling problems, he still could have finished this job. Jackson testified during the IFF that she



has had trouble hiring other contractors to complete the work performed by Bockman. Bockman's abandonment is a violation of Board Regulation 18 VAC 50-22-260.B.14.

E. Bockman admitted his failure to complete the work; however, he did express his regret for his inability to get work done. It is my opinion, based on his demeanor, that E. Bockman is credible and sincere in his statements. Bockman's violation of the Board's regulation in this matter is serious. Even though this project was relatively small in terms of its scope and cost, E. Bockman needs to learn that it is unreasonable to expect his customers to wait several months, and up to years, for him to complete work as it creates a considerable disruption and inconvenience to his customers. While E. Bockman has demonstrated that his ability to schedule and complete work leaves much to be desired, I do not believe him to be a dishonest person. Because of this, I believe the Board should not revoke Bockman's license. However, due to the seriousness of this offense, Bockman must pay the appropriate consequence. Therefore, I recommend a monetary penalty of \$2,000.00 and license suspension for a period of six (6) months be imposed.

By: \_\_\_\_\_  
Wyatt Walton  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

#### **MONETARY PENALTY TERMS**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board of Contractors  
DATE: May 16, 2005 (revised July 18, 2005)

FILE NUMBER: 2005-02880  
RESPONDENT: Bockman Development & Construction  
LICENSE NUMBER: 2705025988  
EXPIRATION: October 31, 2006

SUBMITTED BY: Sherell Queen  
APPROVED BY: Linda J. Boswell

COMMENTS:

Issues regarding failure to report a name change were not addressed because the regulant is separate business entity from Washington Deck Works Inc. Issues regarding contract provisions were not addressed because contract was not between complainant and regulant.

\*\*\*\*\*

Bockman Development & Construction ("Bockman") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705025988).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On January 18, 2005, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Marie Jackson ("Jackson") regarding Washington Deck Works Inc. ("Washington") and Bockman. (Exh. C-1)

On January 16, 2003, Washington entered into a written contract, in the amount of \$11,000.00, with Jackson to build a deck at 7531 Dolce Drive, Annandale, Virginia 22003. The contract was signed by Edward W. Bockman on behalf of Washington. (Exh. C-2)

Before signing the contract, Jackson asked Ed Bockman for his license number. Ed Bockman told Jackson his license number was 2705025988. Jackson confirmed the license, but discovered it was issued to Bockman. Jackson asked Ed Bockman about the name difference. Ed Bockman told Jackson he changed the name to Washington. (Exh. C-1)

On March 11, 2003, Jackson paid Washington \$3,500.00 by check. (Exh. C-3)

On June 4, 2003, Bockman obtained building permit 03155B0440 for the work to be performed at the subject property. (Exh. C-4 and W-1)

On December 15, 2003, Jackson paid Washington \$3,500.00 by check. (Exh. C-3)

On May 16, 2005, Bockman acknowledged performing work on the Jackson project. (Exh. I-3)

On October 18, 1994, Bockman was issued Class A contractor's license number 2705025988 as a corporation. Edward W. Bockman, individual tracking number 2706066100, is the Designated Employee, Qualified Individual, and Responsible Management for license number 2705025988. (Exh. I-1)

\*\*\*\*\*

1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.

FACTS:

Section 54.1-1103 of the Code of Virginia states, "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter."

On March 12, 1997, Washington became incorporated in Virginia. (Exh. I-5) However, Washington is not a licensed contractor in Virginia. (Exh. I-6)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).

FACTS:

On September 15, 2003, Bockman commenced work. (Exh. C-1)

In a letter dated December 15, 2003, Ed Bockman of Washington stated, "Washington Deck Work, Inc. agrees to complete contracted deck signed January 16, 2003 and will obtain final inspection approval be Fairfax County on or before January 31, 2004, excluding painting or staining." (Exh. C-7)

On September 28, 2004, Stephen Armstrong ("Armstrong"), attorney representing Jackson, sent Ed Bockman of Washington a letter as notification that Jackson was terminating the contract due to unjustified cessation of the work for a period of more than thirty (30) days. (Exh. C-5)

As of December 31, 2004, the deck was incomplete. (Exh. C-1)

On May 16, 2005, Bockman stated he got behind on his jobs due to overbooking. (Exh. I-3)

The last day Bockman performed work at the subject property was April 17, 2004. (Exh. C-5)

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Bockman Development & Construction

File Number: 2005-02093  
License Number: 2705025988

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On September 19, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Bockman Development & Construction ("Bockman") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On October 18, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Edward Bockman ("E. Bockman"), on behalf of Bockman, Respondent; Joseph Haughwout, Staff Member; and Wyatt Walton, Presiding Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

In October 1994, Bockman obtained its Class A contractor's license as a corporation. Edward Bockman ("E. Bockman") is the Designated Employee, Qualified Individual, and Responsible Management for the licensee.

In April 2004, Washington Deck Works, Inc. ("Washington") contracted with Anthony Montemarano ("Montemarano") to construct a deck, porch, and portico at the subject property. According to the record, E. Bockman signed for the contract with Suskind on behalf of Washington. In January 2005, James Smalley, an attorney for Bockman, acknowledged Bockman performed work for Montemarano.

Count 1: Board Regulation (Effective January 1, 2003)

According to the records of the State Corporation Commission, Washington became incorporated in Virginia in March 1997. E. Bockman is President of both Bockman and

Washington, and both corporations have the same principal address of 43072 Zander Terrace, Ashburn, Virginia 20147. However, Washington is not licensed by the Board.

During the IFF, E. Bockman stated he incorporated in 1995 as Washington Deck Works Inc. E. Bockman further stated that he did not become aware that there was a problem with the license until 2004. Subsequently, E. Bockman contacted an attorney and decided to list Washington Deck Works Inc. as a tradename of Bockman Development & Construction.

Based on the record and testimony provided at the IFF, Bockman assisted an unlicensed firm to violate §54.1-1103 of the Code of Virginia, which provides: "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter." According to E. Bockman, he was confused as to the State Corporation Commission requirements and the Board's requirements. As a result, contracts were entered into under one name but the license was held under another name.

Bockman's actions are a violation of Board Regulation 18 VAC 50-22-260.B.18. Therefore, I recommend a monetary penalty of \$500.00 and remedial education be imposed.

The Board's contracting license class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of the order.

Count 2: Board Regulation (Effective January 1, 2003)

In October 2003, Bockman commenced work at the subject property. According to the Board's agent's interview with Montemarano on September 23, 2005, Bockman last performed work at the subject property on June 25, 2005, and failed to complete construction and staining of the portico. (Bd. Exh. 3)

During the IFF, E. Bockman admitted the deck and porch are completed, but the portico was not completed. E. Bockman stated the last time he worked on this project was a few months ago, and that he and Montemarano mutually agreed to go their separate ways and not complete the remaining work. Bockman's abandonment is a violation of Board Regulation 18 VAC 50-22-260.B.14.

E. Bockman admitted his failure to complete the work; however, he did express his regret for his inability to get work done. It is my opinion, based on his demeanor, that E. Bockman is credible and sincere in his statements. Bockman's violation of the Board's regulation in this matter is serious. Even though this project was relatively small in terms of its scope and cost, E. Bockman needs to learn that it is unreasonable to expect his customers to wait several months, and up to years, for him to complete work as it creates a considerable disruption and inconvenience to his customers. While E. Bockman has

demonstrated that his ability to schedule and complete work leaves much to be desired, I do not believe him to be a dishonest person. Because of this, I believe the Board should not revoke Bockman's license. However, due to the seriousness of this offense, Bockman must pay the appropriate consequence. Therefore, I recommend a monetary penalty of \$2,000.00 and license suspension for a period of six (6) months be imposed.

By: \_\_\_\_\_  
Wyatt Walton  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

#### **MONETARY PENALTY TERMS**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: July 26, 2005 (revised September 7, 2005)

FILE NUMBER: 2005-02093  
RESPONDENT: Bockman Development and Construction  
LICENSE NUMBER: 2705025988  
EXPIRATION: October 31, 2006

SUBMITTED BY: Sherell Queen  
APPROVED BY: Linda J. Boswell

COMMENTS:

Issues regarding failure to report a name change were not addressed because the regulant is a separate business entity from Washington Deck Works Inc. Issues regarding contract provisions were not addressed because the contract was not between the complainant and the regulant.

\*\*\*\*\*

Bockman Development and Construction ("Bockman") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705025988).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On November 18, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Margaret T. Montemarano regarding Ed Bockman and Washington Deck Works, Inc. (Exh. C-1)

On April 28, 2003, Washington Deck Works, Inc. ("Washington") entered into a written contract, in the amount of \$35,000.00, with Anthony Montemarano ("Montemarano") to build a deck, porch and portico at 13031 Dunhill Drive, Fairfax, Virginia 22030. The contract was signed by Edward W. Bockman on behalf of Washington. (Exh. C-2)



On April 29, 2003, Montemarano paid Washington \$6,000.00 by check. On November 21, 2003, Montemarano paid Washington \$12,000.00 by check. On June 2, 2004, Montemarano paid Washington \$9,000.00 by check. (Exh. C-3)

In a written response dated January 10, 2005, James G. Smalley ("Smalley"), attorney for Bockman, acknowledged Bockman performed work for Montemarano. (Exh. R-1)

On October 18, 1994, Bockman was issued Class A contractor's license number 2705025988, as a corporation. Edward W. Bockman, individual tracking number 2706066100, is the Designated Employee, Qualified Individual, and Responsible Management for license number 2705025988. (Exh. I-1)

\*\*\*\*\*

1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.

FACTS:

Section 54.1-1103 of the Code of Virginia states, "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter."

On February 28, 1990, Bockman became incorporated in Virginia. Edward W. Bockman is the President of Bockman. (Exh. I-3)

On March 12, 1997, Washington became incorporated in Virginia. Edward W. Bockman is the President of Washington. (Exh. I-4) However, Washington is not a licensed contractor in Virginia. (Exh. I-5)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).

FACTS:

In October 2003, Bockman commenced work. (Exh. C-1)

As of December 4, 2004, Bockman had not painted or stained the deck, or completed work on the portico. (Exh. I-6)

In a written response dated January 10, 2005, Smalley stated that Bockman had completed work under the contract except painting and staining of the deck, and construction of the portico. Smalley stated Montemarano owed Bockman \$3,000.00 in order to continue work. (Exh. R-1)

On May 5, 2005, Montemarano, paid Bockman \$3,000.00 by check. (Exh. I-2)

On June 13, 2005, Bockman returned to the subject property and performed painting. (Exh. I-2)

The last day Bockman performed work at the subject property was June 16, 2005. (Exh. I-2)

As of July 12, 2005, Bockman failed to complete painting and staining of the deck, and construction of the portico. (Exh. I-2)

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Bockman Development & Construction

File Number: 2005-02801  
License Number: 2705025988

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On September 19, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Bockman Development & Construction ("Bockman") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On October 18, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Edward Bockman ("E. Bockman"), on behalf of Bockman, Respondent; Peter Suskind ("Suskind"), Complainant (by telephone); Joseph Haughwout, Staff Member; and Wyatt Walton, Presiding Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

In October 1994, Bockman obtained its Class A contractor's license as a corporation. Edward Bockman ("E. Bockman") is the Designated Employee, Qualified Individual, and Responsible Management for the licensee.

In July 2004, Washington Deck Works, Inc. ("Washington") contracted with Peter Suskind ("Suskind") to construct a deck and screened porch at the subject property. According to the record, E. Bockman signed for the contract with Suskind on behalf of Washington. In November 2004, Bockman obtained the building permit for the work to be performed. In May 2005, E. Bockman acknowledged to the Board's agent in an interview that he performed work on the Suskind project.

Count 1: Board Regulation (Effective January 1, 2003)

According to the records of the State Corporation Commission, Washington became incorporated in Virginia in March 1997. E. Bockman is President of both Bockman and Washington, and both corporations have the same principal address of 43072 Zander Terrace, Ashburn, Virginia 20147. However, Washington is not licensed by the Board.

During the IFF, E. Bockman stated he incorporated in 1995 as Washington Deck Works Inc. E. Bockman further stated that he did not become aware that there was a problem with the license until 2004. Subsequently, E. Bockman contacted an attorney and decided to list Washington Deck Works Inc. as a tradename of Bockman Development & Construction.

Based on the record and testimony provided at the IFF, Bockman assisted an unlicensed firm to violate §54.1-1103 of the Code of Virginia, which provides: "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter." According to E. Bockman, he was confused as to the State Corporation Commission requirements and the Board's requirements. As a result, contracts were entered into under one name but the license was held under another name.

Bockman's actions are a violation of Board Regulation 18 VAC 50-22-260.B.18. Therefore, I recommend a monetary penalty of \$500.00 and remedial education be imposed.

The Board's contracting license class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of the order.

Count 2: Board Regulation (Effective January 1, 2003)

As of the end of October 2004, Bockman failed to complete construction of the deck. Bockman did return to the subject property to complete carpentry work in May 2005. However, as of July 13, 2005, Bockman failed to complete electrical work, paint the interior and exterior, stain the flooring, and complete punch list items.

In May 2005, E. Bockman told the Board's agent in an interview that he got behind on his jobs due to overbooking.

During the IFF, E. Bockman stated the work is done except for punch list items and that he has been working on the items. The last time he performed work on this project was a few weeks ago and only a few punch list items remain to be completed.

Suskind provided testimony that he last saw E. Bockman in May 2005. Suskind stated some painting contractors came to his property in July 2005 and work has been done

sporadically since July 2005. Suskind also stated he made several requests that Bockman complete the work, including a note that work be completed by September 30, 2005; however, there are still items incomplete. Bockman's abandonment is a violation of Board Regulation 18 VAC 50-22-260.B.14.

E. Bockman admitted his failure to complete the work; however, he did express his regret for his inability to get work done. It is my opinion, based on his demeanor, that E. Bockman is credible and sincere in his statements. Bockman's violation of the Board's regulation in this matter is serious. Even though this project was relatively small in terms of its scope and cost, E. Bockman needs to learn that it is unreasonable to expect his customers to wait several months, and up to years, for him to complete work as it creates a considerable disruption and inconvenience to his customers. While E. Bockman has demonstrated that his ability to schedule and complete work leaves much to be desired, I do not believe him to be a dishonest person. Because of this, I believe the Board should not revoke Bockman's license. However, due to the seriousness of this offense, Bockman must pay the appropriate consequence. Therefore, I recommend a monetary penalty of \$2,000.00 and license suspension for a period of six (6) months be imposed.

By: \_\_\_\_\_  
Wyatt Walton  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

#### **MONETARY PENALTY TERMS**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: July 26, 2005 (revised September 7, 2005)

FILE NUMBER: 2005-02801  
RESPONDENT: Bockman Development and Construction  
LICENSE NUMBER: 2705025988  
EXPIRATION: October 31, 2006

SUBMITTED BY: Sherell Queen  
APPROVED BY: Linda J. Boswell

COMMENTS:

Issues regarding failure to report a name change were not addressed because the regulant is separate business entity from Washington Deck Works Inc. Issues regarding contract provisions were not addressed because contract was not between complainant and regulant.

\*\*\*\*\*

Bockman Development and Construction ("Bockman") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705025988).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On January 10, 2005, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Peter Suskind ("Suskind") regarding Ed Bockman and Washington Deck Works, Inc. (Exh. C-1)

On July 22, 2004, Washington Deck Works, Inc. ("Washington") entered into a written contract, in the amount of \$26,300.00, with Suskind to build a deck and screened porch at 726 Ridge Drive, McLean, Virginia 22101. (Exh. C-2)

On July 22, 2004, Suskind paid Washington \$8,000.00 by check. On October 25, 2004, Suskind paid Washington \$8,000.00 by check. (Exh. C-3)

On May 10, 2005, Suskind paid the contractor \$4,000.00. On May 25, 2005, Suskind paid the contractor \$4,000.00. (Exh. I-2)

On November 24, 2004, Bockman obtained building permit 04295B0100 for the work to be performed at the subject property. (Exh. W-1)

On May 16, 2005, Bockman acknowledged performing work on the Suskind project. (Exh. I-3)

On October 18, 1994, Bockman was issued Class A contractor's license number 2705025988 as a corporation. Edward W. Bockman, individual tracking number 2705025988, is the Designated Employee, Qualified Individual, and Responsible Management for license number 2705025988. (Exh. I-1)

\*\*\*\*\*

1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.

FACTS:

Section 54.1-1103 of the Code of Virginia states, "No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter."

On February 28, 1990, Bockman became incorporated in Virginia. Edward W. Bockman is the President of Bockman. (Exh. I-4)

On March 12, 1997, Washington became incorporated in Virginia. Edward W. Bockman is the President of Washington. (Exh. I-5) However, Washington is not a licensed contractor in Virginia. (Exh. I-6)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).

FACTS:

As of the end of October 2004, Bockman failed to complete construction of the deck. (Exh. C-1 and C-4)

On May 16, 2005, Bockman stated he got behind on his jobs due to overbooking. (Exh. I-3)

In May 2005, Bockman completed the carpentry work. (Exh. I-2)

The last day Bockman performed work at the subject property was May 25, 2005. (Exh. I-2)

As of July 13, 2005, Bockman failed to complete electrical work, paint the interior and exterior, stain the flooring, and complete punch list items. (Exh. I-2)



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Wyatt Walton
2. Title: Presiding Board Member
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on October 18, 2005
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

10/18/05